IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.7039-M of 2007

DATE OF DECISION: MARCH 6, 2007

Gurmail Singh @ Mela

...PETITIONER

VERSUS

State of Punjab

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. S.S.Rana, Advocate,
for the petitioner.
Mr.N.S.Gill, AAG, Punjab.

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Petitioner Gurmail Singh @ Mela has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.93 dated 26.8.2003 registered under Sections 380/411 IPC at Police Station Kotwali, Nabha.

I have heard the counsel for the parties and gone through the contents of the FIR.

In the aforesaid case which is to be tried by the Magistrate, the petitioner is in custody since 1.9.2006. Earlier, he was declared proclaimed offender. Counsel for the petitioner contends that co-accused of the petitioner, namely, Makhan Singh, from whom the recovery was made, has already been convicted. Counsel contends that as far as the petitioner is concerned, there is no evidence except the statement of the co-accused that the petitioner was also accompanying him at the time of the alleged theft. No recovery was effected from the petitioner.

In this case, after the supplementary challan though charge-sheet has been presented, but till date not a single prosecution witness has been examined. The trial is not going to conclude soon.

Keeping in view the aforesaid facts, without expressing any opinion on the merits of the case, I deem it appropriate to grant regular bail

to the petitioner, and he is accordingly ordered to be released on bail to the satisfaction of the trial Court.

March 6, 2007 (SATISH KUMAR MITTAL)
vkg JUDGE